

**EXHIBIT “N”**

Courthouse, 88-11 Sutphin  
Boulevard, Jamaica, New York 11435,  
Queens County, on 7-25-06

Present:  
Hon. **HON. ROGER N. ROSENGARTEN**  
Justice

Index No.

15989/06

ANAND DASRATH

Plaintiff,

ORDER TO SHOW  
CAUSE

-against-

ROSS UNIVERSITY SCHOOL OF MEDICINE

Defendant.

-----X-----  
Upon the reading of the annexed Affidavit of the Plaintiff in this action, Anand Dasrath sworn to on the 19 day of July, 2006, and the Supporting Emergency Affirmation of George M. Gilmer, the attorney for the Plaintiff herein, affirmed on the 14 day of July, 2006, and all of the Supporting documents contained herein, it is

ORDERED, that the Plaintiff, Anand Dasrath shall show cause before Part 23 of this Court, to be held in and for the COUNTY OF QUEENS, at the Courthouse at 88-11 Sutphin Boulevard, Jamaica, New York, on the 26 day of July, 2006, at 9:00 A.M. in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made:

EXHIBIT A

P. 02/30

FAX NO. 17187881611

JUL-25-2006 TUE 04:29 PM GEORGE

Medicine; and for an Order

2. compelling Defendant to sponsor Plaintiff for the  
upcoming USMLE Step 1 Exam and

3. Any such further relief as the Court may deem just and  
proper.

ORDERED, that service of a copy of this Order<sup>✓</sup> and the papers

upon which it is granted upon the Defendant, Ross University

School of Medicine, by ~~ordinary mail~~ <sup>personal service</sup> on or before the ~~25~~<sup>26</sup> day of

, 2006, shall be deemed good and sufficient service.

~~Dated: July~~, 2006

ENTER:

J.S.C.

HON. ROGER N. ROSENGARTEN

EXHIBIT A

P. 03/30

FAX NO. 17187881611

GEORGE#

JUL-25-2006 TUE 04:29 PM

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----x  
Anand Dasrath,

Plaintiff,

Ross University School of Medicine

Defendant.  
-----x

Index No. 15989/0

**EMERGENCY  
AFFIRMATION IN  
SUPPORT**

I, George M. Gilmer, Esq., an attorney duly authorized to practice law before the Courts of the State of New York, hereby affirms under the penalties of perjury that:

1. I make this emergency application in support of the present motion to reenroll the Plaintiff in Ross University School of medicine and to compel the medical school to sponsor for the upcoming USMLE step medical boards, scheduled for July 27, 2006.
2. I make an emergency affirmation because the test is scheduled for one week from today.
3. As shown in the annexed summons and complaint, attached here to as Exhibit A and in the annexed Affidavit of the Plaintiff the school has wrongly denied the plaintiff opportunity to take the USMLE Medical Boards and has wrongly withdrawn the Plaintiff from its Medical School.

4. As the annexed letter shows the Defendant Administratively Withdrew the Plaintiff from its school because he allegedly did not successfully complete the AICM course and pass the USMLE Step 1 exam. This letter is attached here to as Exhibit "B".
5. The plaintiff is currently registered for the USMLE step 1 exam. Attached hereto as Exhibit "C" is proof that the Plaintiff is registered for this exam.
6. The school has promised that it would sponsor the Plaintiff for this exam. Attached hereto as Exhibit "D" of the school's sponsorship for this exam.
7. Last week the school told the Plaintiff that they will withdraw their sponsorship of him for the exam and because of this the plaintiff will not be able to take the test.
8. According to the school manual attached here to as Exhibit "E" a student is eligible to take the USMLE step 1 in the following was
  - a. Passing all courses in the Basic Science Curriculum and having a 4<sup>th</sup> semester cumulative GPA of 4.90 or higher; or
  - b. Passing all courses in the Basic Science Curriculum and having a 4<sup>th</sup> semester cumulative GPA of 2.89 or lower, and passing the NBME

Comprehensive Basics Sciences Examination at the end of the 4<sup>th</sup> semester; or

- c. Taking the BMSI course and passing either the BMSI final comprehensive examination or the NBME Comprehensive Basic Science Examination administered after the completion of the BMSI course

9. The Plaintiff has met the eligibility requirements of this section.

10. Furthermore, this student manual states that a student may be administratively withdrawn only under the following grounds:

- a. Does not return to the campus to register for the following semester and attend classes in Week One of a semester.
- b. Does not return at time specified for the end of an approved leave.
- c. Is not scheduled for a clinical rotation for a period of 30 days or more and has not applied for and received an approved academic leave of absence;

See Exhibit "F."

11. The letter attached hereto as Exhibit "B" states only two reasons for the administrative withdrawal of

the Plaintiff. One of the reasons, failure to successfully complete AICM course, is not listed in the student manual. The second reason, the plaintiff's failure to pass the USMCE step 1 is incorrect because the plaintiff has yet to take this exam and is registered to do so.

12. Finally, Plaintiff believes that he should have passed the AICM course but the Defendant has not provided Plaintiff his grade for this course.

13. As stated earlier the school has told the Plaintiff that they have withdrawn their sponsorship for the Plaintiff.

14. The Plaintiff has paid for this school semester, and I have attached proof of payment for this school semester as Exhibit "G."

15. Since the school has no reason for withdrawing the Plaintiff from school and no basis for withdrawing their sponsorship of Plaintiff, the Plaintiff seeks to reenroll in the Defendant's school and seeks to compel the Defendant to sponsor the Plaintiff for the USMLE Step 1 Exam.

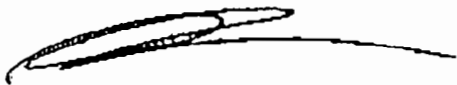
16. Moreover, the school has reneged on its agreement to sponsor the Plaintiff for the USMLE Step 1 Exam. Exhibit "D".

17. The Plaintiff will suffer irreparable harm and injury if this relief is not granted because if he is not allowed to take the USMLE step 1 exam, now his education will be delayed and the next exam is not until July 27, 2006.

18. As shown above there is a likelihood that Plaintiff will be successful on his cause of action for breach of contract against the school because the school had no reason to Withdraw the Plaintiff from its school and to renege on its obligation to sponsor the Plaintiff for the USMLE Step One Exam.

19. No previous application has been made to any Court or Judge for the relief requested herein.

Dated: July 19, 2006  
Brooklyn, New York 11232



George M. Gilmer, Esq.  
943 Fourth Avenue  
Brooklyn, New York 11232  
718-788-0100  
718-788-1611



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----x  
Anand Dasrath,  
Plaintiff,

Index No. 15989/08

-against-

AFFIDAVIT IN  
SUPPORT

Ross University School of Medicine,  
Defendant.  
-----x

STATE OF NEW YORK            )  
                                  ) ss:  
COUNTY OF NEW YORK        )

ANAND DASRATH, being duly sworn, deposes and says  
that:

1. I am the individual Plaintiff in the above-referenced matter and as such am fully familiar with the facts and circumstances set forth herein.
2. I was administratively withdrawn from the Ross University School of Medicine and denied the opportunity to take the USMLE Medical Boards Step One.
3. I am currently registered for the USMLE step 1 exam, although the school has informed me that they will withdraw their sponsorship and as a result I will not be able to take the test.
4. I believe that I have passed the AICM course but have not received a grade from the school as of yet.

EXHIBIT A

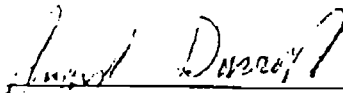
P. 10/30

FAX NO. 17187881611

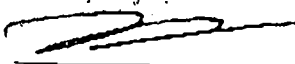
JUL-25-2006 TUE 04:30 PM GEORGE#

5. I have paid for this school semester, and I have proof of such payment for this school semester.
6. I wish to re-enroll in the school and have the Defendant sponsor me for the USMLE Step 1 Exam.
7. If I am not allowed to take this exam I will be irreparably harm and injured because I will not be allowed to pursue my medical license.
8. I will likely succeed on the merits of this action because as the documents attached to this motion show I was wrongfully withdrawn from the Defendant's school and the Defendant is wrongfully denying me sponsorship for the upcoming July 27, 2006 exam.
9. I am seeking that the school immediately reenroll me and sponsor me for the July 27, 2006 exam.

Dated: July 19, 2006  
Brooklyn, New York

  
Anand Dasrath

Sworn to before me this  
19<sup>th</sup> day of July 2006

  
NOTARY PUBLIC


GEORGE M. GILMER  
Notary Public, State of New York  
No. 02G16093915  
Qualified in New York County  
Commission Expires 

EXHIBIT A

THE COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X Index No. 15989/06  
ANAND DASRATH

Plaintiff designates  
Kings County as the  
place of trial.  
Plaintiff. The basis of venue is  
CPLR 509.

-against-

**SUMMONS**  
Plaintiff resides at  
89-25 209<sup>th</sup> Street,  
Queens Village, New  
York, 11427

ROSS UNIVERSITY SCHOOL OF MEDICINE


Defendant.

-----X  
**ACTION FOR A BREACH OF CONTRACT**

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint  
in this action and to serve a copy of your answer on  
Plaintiff's Attorney within twenty (20) days after the  
service of this summons, exclusive of the day of service,  
where service is made by delivery upon you personally  
within the State of New York, or within thirty (30) days  
after completion of service where service is made in any  
other manner. In case of your failure to appear or answer,  
judgment will be taken against you by default for the  
relief demanded in the complaint.

Dated: July 19, 2006

  
George M. Gilmer  
Attorney for Plaintiff  
943 Fourth Avenue  
Brooklyn, NY 11232  
718-788-0100  
718-788-1611 Facsimile

ROSS UNIVERSITY  
TEL: (731) 978-0300 FAX: (731) 978-0306  
Email: Registrar@rossmed.edu  
www.rossmed.edu



June 29, 2006

Dear Anand E. Dasrath:

I regret to inform you that effective immediately you have been Administratively Withdrawn from Ross University School of Medicine for failure to register for the May 2006 AICM course. RUSM policy dictates that students must successfully complete the AICM course and pass USMLE Step 1 before advancing into the clinical curriculum. In order for a student to remain enrolled with RUSM, they must either be registered for courses and/or registered for the Boards. Once a student becomes inactive, they are Administratively Withdrawn from RUSM.

Please be advised that if you are a recipient of federal guaranteed student loans, we must inform your lender(s) that you have not attended Ross University since the last day you attended classes or rotated in a clinical clerkship. The impact of your withdrawn status on your federal guaranteed student loans will depend on your specific situation, applicable regulations and the terms and conditions of your loan(s).

Should you ever wish to resume your studies at Ross University School of Medicine, you will be required to submit an application for re-admission to the Admissions Department and be reviewed by the Admissions Committee. To do so, please complete an Admissions application, indicating the reasons of your withdrawal, and submit it to the Admissions Office.

Best wishes in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rendon".

Michael Rendon  
University Registrar

Cc: Bursar  
Financial Aid  
Clinical Department

PER MAIL FROM 20% POST CO

D A

From: emailconfirmations@thomson.com [?] Add to Address Book [?] Add Mobile Alert

To: ANAND\_DASRATH@YAHOO.COM

Subject: Step 1 - United Stated Medical Licensing Examination Exam Confirmation

Date: Thu, 29 Jun 2006 09:43:12 -0400

This is an automatic email. Do not reply to this mail. If you have any questions you must contact the Registration Center by telephone or fax during regular operating hours.

Your appointment for the computer-based Step 1 - United Stated Medical Licensing Examination exam is confirmed. Please find the confirmation details that follow:

Examinee Name: Anand Emanuel Dasrath

Examinee ID: 37617743

Confirmation: 0000000050652630

Program: STEP1

Exam: Step 1 - United Stated Medical Licensing

Examination

Exam Date: 27 July 2006

Exam Time: 09:00 AM

Examination Test Center:

24 SEVENTH STREET

BLOCK EAST FRANKLIN AVE LOWER LEV

OWER LEVEL

ARDEN CITY, UNITED STATES - 11530

EXHIBIT

Exhibit

EXHIBIT D

EXHIBIT E

FAX NO. 17187881611

P. 22/30

JUL-25-2006 TUE 04:31 PM GEORGE#

The sender of this message has requested a read receipt. Click here to send a receipt.

Dastarath, Anand

From: Sena, Brigitte Sent: Thu 3/9/2006 4:52 PM  
To:  
Cc: Fernandez, Dr. Enrique; Rendon, Michael; Reardon, Rosemary; Pertt, Dr. Nancy  
Subject: Results of NBME comprehensive shelf exam  
Attachments:

Dear Students,

We have received the results of your NBME comprehensive exam. Congratulations! You have passed the exam and are now eligible to sit for the USMLE Step 1 exam. Your six-month eligibility period is April 1 - September 30, 2006. You are required to sit for the USMLE Step 1 no later than 9/30/06. You will have 3 attempts or until April 30, 2007 to pass Step 1.

If you have previously submitted a USMLE application along with a waiver, you may now schedule your USMLE Sitting date as soon as you receive your scheduling permit. Be sure to notify this office of the date you schedule.

Please see below for eligible USMLE windows and deadlines to submit USMLE applications. You will be ineligible for an extension beyond the 9/30/06 date so please plan accordingly.

Windows you may apply for Deadline to submit application to NJ Registrar

May 1 - July 31, 2006 March 15, 2006

June 1 - August 31, 2006 April 15, 2006 \* please inform me if you are choosing this window by replying to this email

July 1 - Sept 30, 2006 May 15, 2006 \* please inform me if you are choosing this window by replying to this email

EXHIBIT

Exhibit F

EXHIBIT E

JUL-25-2006 TUE 04:32 PM GEORGE#

FAX NO. 17187881611

P. 24/30



Information regarding the examinations may be obtained from the Educational Commission for Foreign Medical Graduates (ECFMG), 3624 Market Street, Philadelphia, Pennsylvania 19104-2685. Telephone: (215) 386-5900; Fax: (215) 387-9196; Website: [www.ecfm.org](http://www.ecfm.org)

Certification by the ECFMG is required for entrance to residency training and licensure. In order to become certified, RUSM students, in addition to passing Steps 1 and 2 of the USMLE, must pass the Test of English as a Foreign Language (TOEFL) and the USMLE Step 2 Clinical Skills (Step 2 CS).

### **POLICY REGARDING UNITED STATES MEDICAL LICENSING EXAMINATION (USMLE), STEPS 1 & 2**

The University has adopted the following policy regarding the United States Medical Licensing Examination:

#### **THE USMLE STEP 1**

The School of Medicine uses the USMLE Step 1 as one criteria of a student's overall knowledge necessary for entering into clinical clerkships.

Students become eligible to take the USMLE Step 1 in one of the following ways:

- a) passing all courses in the Basic Science Curriculum and having a 4<sup>th</sup> semester cumulative GPA of 2.90 or higher; or
- b) passing all courses in the Basic Science Curriculum and having a 4<sup>th</sup> semester cumulative GPA of 2.89 or lower, and passing the NBME Comprehensive Basic Sciences Examination at the end of the 4<sup>th</sup> semester; or
- c) taking the BMSI course and passing either the BMSI final comprehensive examination or the NBME Comprehensive Basic Science Examination administered after the completion of the BMSI course.

Students are required to sit for the USMLE Step 1 examination for the first time within 5 months after becoming eligible. Otherwise, the student will be administratively withdrawn.

Students are required to take and pass the USMLE Step 1 in no more than three attempts, and within one calendar year of becoming eligible.

Students who do not pass the USMLE Step 1 in three attempts within a year after becoming eligible are dismissed from the School of Medicine. Such students may apply for readmission. If granted such readmission may require additional preparation in courses taken in Dominica.

Those who receive very low scores on the USMLE in the first or second attempts may be required to repeat certain parts of the curriculum before they can be certified for another attempt. This will also

EXHIB.

Exhibit F

## WITHDRAWALS

Students who have been withdrawn (by student request or administrative action) must apply for readmission if they wish to return to the School. Such readmission must be reviewed by the Promotions Committee and is not guaranteed. They will be subject to all academic policies and tuition and fees then in effect, without any "grandfathering" provisions based on their original admission.

### STUDENT WITHDRAWALS

Students may not withdraw from a single course during a semester; they must withdraw completely from the School. Basic Science students may begin the withdrawal process by obtaining a withdrawal form from the Campus Registrar's Office in Dominica, and appropriate clearances from the Library, Financial Aid Office, and the Dean of Academic Administration and Student Affairs. Such students will receive W, WP, or WF on their transcripts depending on whether they were passing or failing a course at the time of their withdrawal, as specified under the *Student Grading and Promotions Policies* section of this Handbook.

Refunds, if required, will be determined by the last day of attendance in an academically related activity.

Those who received WF in any of their courses at the time of withdrawal will be reviewed by the Promotions Committee to determine whether they are eligible for readmission.

Students who were failing one or more courses at the time of withdrawal will be on academic probation if they are readmitted.

These students will also be on financial aid probation, and will not receive funds to continue if they are still on academic probation in the succeeding semester.

### ADMINISTRATIVE WITHDRAWALS

The University Registrar enters an administrative withdrawal in the student's record when any of the following apply. The student:

- does not return to the campus to register for the following semester and attend classes in Week One of a semester.
- does not return at the time specified for the end of an approved leave.
- is not scheduled for a clinical rotation for a period of 30 days or more and has not applied for and received an approved academic leave of absence.

All students who are administratively withdrawn will be reported as withdrawn effective as of the last day they attended classes. The date of withdrawal will be reported to the U.S. Department of Education, if these students had Stafford loans.

EXHIBIT G



1-JAN-06 Rnd Chks to MIAMI	10,872.50	200620
8-JAN-06 Rnd Chks. Jnsch. Fall/Spring	4,850.00	200520
15-JAN-06 Rnd Chks. Sub. Fall/Spring	4,122.40	200520
22-JAN-06 All Loan. Fall/Spring/Summer	12,000.00	200620
29-JAN-06 Rnd Chks. MIAMI Division, Med 12wks	10,136.00	200620
TOTAL	20,972.50	20,972.50

EXHIBIT A

P. 30/30

FAX NO. 17187881611

JUL-25-2006 TUE 04:33 PM GEORGE#

Queens County 05/21/2006 11:04  
Paym 4383889W  
~~15389/2006~~  
Trm1067153W 145.30  
Notice of Motion/Cross Motion  
15389/2006 DASRATH, ANAND vs. RO  
15389/2006 DASRATH, ANAND vs. RO  
Trm1067151W 145.30  
RJI  
15389/2006 DASRATH, ANAND vs. RO  
15389/2006 DASRATH, ANAND vs. RO  
Total:  
237299. Check  
Change: